

REMARKS/ARGUMENTS

Claims 1-13 were pending in the application of which claims 1 and 7 were independent claims. Claims 1-13 were rejected. Claims 1 and 7 have been amended, and claims 6 and 11 have been cancelled. Applicant believes all amendments are fully supported by the specification and no new material has been added. Applicant respectfully submits that pending claims 1-5, 7-10, and 12-13 are now in condition for allowance in view of the following remarks and amendments.

Claim Rejections Under § 102(e):

Paragraph 2 of the Action rejects claims 1-13 under 35 U.S.C. 102(e) as allegedly being unpatentable in view of Lee (U.S. Patent Pub# 2004/0137944). Claims 6 and 7 have been cancelled in the above amendments thereby rendering the rejection moot as to these claims. Applicant therefore respectfully request withdrawal of the rejection of claims 6 and 7; however, Applicant expressly reserves the right to pursue any patentable subject matter included in claims 6 and 7 at later time.

With respect to the remaining claims, Applicant has amended claims 1 and 7, incorporating the limitation of previous claims 6 and 11, respectively. With respect to original claims 6 and 11, now amended claims 1 and 7 respectively, Applicant respectfully traverses this rejection because Lee fails to teach each and every element of the claims 1 and 7.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Certain embodiments disclosed in the present application are directed to a mobile communication device capable of two-way radio communication having teletypewriter (TTY) communication capability. Accordingly, e.g., claim 1, as amended, is directed to "A mobile communication device capable of two-way radio communication having teletypewriter (TTY) communication capability, said mobile communication device comprising: a microprocessor within the mobile communication device capable of converting between alphanumeric data and TTY formatted data; memory associated with said microprocessor; mobile user interface in communication with said microprocessor; conversion information stored in said memory for conversion between alphanumeric data and TTY formatted data; and a teletypewriter (TTY) tone detector circuitry for detecting TTY tone formatted data received by the mobile communication device, said TTY tone detector in communication with said microprocessor."

In contrast, Lee fails to teach a device with "a teletypewriter (TTY) tone detector circuitry". In fact, Lee specifically teaches away from such a configuration "[s]ince there are no tone detection circuitry to worry about...using the present invention...". (Lee at [0029]). In addition, Lee figure 5 (the block diagram of the device) shows no TTY tone detection circuitry, thus corroborating Lee's admission in paragraph [0029] that there is no tone detection circuitry.

Accordingly, Lee cannot anticipate claim 1. Claims 2-5 depend from claim 1 and are therefore also allowable for at least the same reasons as discussed with respect to claim 1. Applicant, therefore respectfully requests withdrawal of the rejection of claims 1-5.

Similarly, claim 7 as amended is directed to "[a] method of transmitting teletypewriter (TTY) formatted data from a mobile communication device capable of two-way radio communication and comprising a microprocessor, TTY tone detection circuitry, and memory in which conversion information for conversion between alphanumeric data and TTY formatted data, the method comprising: in the microprocessor, accessing the conversion information for conversion between alphanumeric data and TTY formatted data in the memory; in the

microprocessor, converting between alphanumeric data and TTY formatted data using the conversion information; and in the TTY tone detection circuitry, detecting TTY tone formatted data received by the mobile communication device with a TTY tone detector within the mobile device."

As described above, Lee not only fails to teach, but in fact, teaches away from a device having or method using "a teletypewriter (TTY) tone detector circuitry". (see e.g., Lee at [0029]). Accordingly, Lee cannot anticipate claim 7. Claims 8-10 and 12-13 depend from claim 7 and are therefore also allowable for at least the same reasons as discussed with respect to claim 7. Applicant, therefore respectfully requests withdrawal of the rejection of claims 7-10 and 12-13.

CONCLUSION

Applicants believe that no additional fees are necessitated by this response. The Commissioner is hereby authorized to charge any additional fees required by this response to our **Deposit Account No. 50-3001 of Kyocera Wireless Corp.** (Attorney Docket No. UTL 00120).

Respectfully submitted,

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